

**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

**San Diego Gas & Electric Company,
Complainant**

Docket No. EL00-95-045

v.

**Sellers of Energy and Ancillary Service Into
Markets Operated by the California
Independent System Operator Corporation
and the California Power Exchange,
Respondents.**

**Investigation of Practices of the California
Independent System Operator and the
California Power Exchange**

Docket No. EL00-98-042

**ORDER CONCERNING ANSWERS TO CARE'S MOTION FOR
RECONSIDERATION**

(Issued July 30, 2002)

1. On July 29, 2002, CARE filed a motion for reconsideration of my Order issued on July 23, 2002, which granted its motion for inclusion on the restricted service list and otherwise denied its motion as concerns matters that have been set for hearing. Among other things, CARE maintains that it was improperly omitted from inclusion on the restricted service list and requests that a document concerning certain alleged fraudulent practices be considered as evidence with regard to the August hearing.
2. Preliminarily, and pending consideration of answers to the motion, to place the request for reconsideration and other relief in context, certain matters should be recalled.
3. I note that on August 13, 2001, the Commission granted CARE's request for intervention out of time in the adjudicatory proceeding before me and required CARE to accept the record as it stood on July 9, 2001. It is to be recalled that the participants established procedures at the August 13, 2001 prehearing conference for inclusion on the restricted service list in the adjudicatory proceeding before me. See generally, Transcript at 220-221 (To my knowledge, the Commission has not adopted a restricted service list in those facets of these captioned proceedings which remain before it.) CARE did not seek

to have itself included on the restricted service list adopted by my order of August 21, 2001, until its belated motion filed on July 19, 2002.

4. On October 30, 2001, at 2:56 p.m. CARE emailed me a document and requested to have my filing considered in the deliberations on Docket No. EL00-95-045. The document was styled "CARE's Case Against Independent Energy Producers Association (IEPA) and California Parties Including Evidence Of Violations of Law And Requests For Appropriate Relief, which including a request for attorney's fees." As CARE was acting pro se, I advised CARE procedurally by e-mail at 4:08 p.m. that same day at length on the need to familiarize itself with and comply with the Commission's Rules on Practice and Procedure with regard to the filing of pleadings and certificate of service requirements. I noted several ways in which CARE's pleading did not comply with Commission procedures and, thus, was not properly before me and the Commission. Among other things, CARE was advised that "In public proceedings everything is on the record and that means proper filings and proper service on all concerned." CARE also was specifically advised, "We have a restricted service list to which you can be added by making a proper request and providing the essential information." (My emphasis added)

5. My Order issued on November 5, 2001, rejected CARE's petition and motion for compensation for participation expenses and other relief because the petition did not conform to the Commission's Rules of Practice and failed to comply with the service and notice requirements. Even if this was not the case, CARE was advised that its request for financial assistance in the form of attorneys fees was inappropriate and would be denied and that its request to cancel certain long-term power contracts of DWR involved issues that were not set for hearing and thus were not before me.

6. Subsequently, CARE refiled this petition with the Commission on November 13, 2002. By its December 19, 2001 Order on Clarification and Rehearing, 97 FERC & 62,170 (2001), at page 62,236, the Commission denied CARE's petition for rehearing, including its request for administrative aid which I had addressed in my November 5 Order.

7. As noted, on July 19, 2002, CARE sought to be included on the restricted service list in these proceedings and I granted that request on July 23, 2002. In response to its inquiry as to why it had not been placed on the restricted service list, my order of July 23, 2002 noted that the answer was simple: it had not taken the time to understand my rulings and orders governing inclusion on the restricted service list that I adopted on August 21, 2001.

8. To ensure that the matters raised by CARE are thoroughly ventilated, any interested participant may file an answer to the motion for reconsideration by August 1, 2002.

Bruce L. Birchman
Presiding Administrative Law Judge